

YEAS.			
Blassingame,	Gooch,	Martin,	Stewart,
Burnett,	Grace,	McCulloch,	Street,
Burton,	Guy,	Moore,	Story,
Davenport,	Hobby,	Motley,	Swain,
Duncan,	Houston,	Ripetoe,	Terrell,
Edwards,	Lair,	Shannon,	Tilson—26.
Ford,	Ledbetter,		

NAYS—Brown.

Not voting—Buchanan, Patton.

Bill read third time and passed by the following vote:

YEAS.			
Blassingame,	Ford,	Martin,	Stewart,
Brown,	Gooch,	McCulloch,	Street,
Burnett,	Guy,	Moore,	Storey,
Burton,	Hobby,	Motley,	Swain,
Davenport,	Houston,	Ripetoe,	Terrell,
Duncan,	Lair,	Shannon,	Tilson—26.
Edwards,	Ledbetter,		

NAYS—none.

Not voting—Buchanan, Grace, Patton.

Senator Edwards offered the following resolution:

Resolved, That Mr. Lawrence be paid for three days services as clerk of the finance committee.

Adopted.

Senator Gooch (by leave) introduced a bill entitled "An act to amend articles 672 and 673 of chapter 2, title 22 of the Revised Civil Statutes of the State of Texas, and to repeal article 675 of said chapter relating to organizing counties."

Read by caption and referred to committee on counties and county boundaries.

On motion of Senator Motley, the Senate adjourned until 9 o'clock A. M. to-morrow.

FOURTH DAY.

SENATE CHAMBER, AUSTIN, June 13, 1879.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Moore, the reading of the journals of yesterday was dispensed with and the same adopted.

On motion of Senator Homan, Rev. C. C. Chaplain, chaplain of the Senate, was excused until Tuesday morning next.

Senator Shannon presented the petition of the county officers and many citizens of Wheeler county, in the Pan Handle of the state (lately organized), stating that all the business of the county, with regard to district courts, belongs to Clay county—two hundred and fifty-nine miles from the place of holding said court; that this is the case with all the counties in the Pan Handle with regard to this matter; that the intervening country is void of settlers and likely to remain so for a long time; that the long distance from the seat of the district courts for the Pan Handle country, and the unsettled and barren condition of the intervening country, renders it an impossibility to bring criminals or felony cases to

trial, for the reason that witnesses are unable to attend court at so great a distance, and the said criminals will go unpunished. That the Pan Handle country contains nearly five thousand inhabitants, and property to the value of one million of dollars, with a large immigration pouring into the said territory; and asking the Legislature for these reasons to establish a district court to hold its sessions at the town of Sweet Water, in Wheeler county, and that it have jurisdiction over all the counties in the Pan Handle of Texas. Also, that a land district consisting of the same counties may be established in said territory and attached to the said county of Wheeler, etc.

Referred to the committee on state affairs.

Senator Davenport, chairman of committee on public printing, submitted the following report and accompanying resolution:

COMMITTEE ROOM, AUSTIN, June 12, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on public printing, to whom was referred the various resolutions and amendments relating to the printing of the Senate journals, and also resolutions relating to the number of papers to be furnished senators, have considered the same, and instruct me to report the following resolution as a substitute for all of said resolutions and amendments, and recommend its passage.

DAVENPORT, *Chairman.*

Resolved, That the printing committee of the Senate be authorized to contract with E. W. Swindells for one thousand copies of the Legislative record to be printed in the same style as those containing the Senate proceedings of the extra session already furnished, at a rate not to exceed for composition fifty-nine cents per thousand ems, printer's measurement, press work sixty cents for token of 240 impressions; paper 24x36, 29 pounds to the ream, \$3 75; folding twenty cents per hundred. And that all of the proceedings of the Senate, including all debates, be stenographically reported; *provided*, that no speech or remarks of any senator on the same subject, made at the same time, shall occupy a greater space than one column of said record.

The resolution just reported was taken up, read and adopted.

Senator Swain offered the following resolution:

Resolved, That each senator may have the privilege of taking any paper he may select so as not to exceed fifteen copies.

Senator Street entered a motion to consider the vote adopting the resolution reported from the committee on public printing this morning.

Senator Brown offered the following amendment to the pending resolution of Senator Swain:

Strike out "fifteen" and insert "three," and add "to be paid for out of accruing upon the bonded indebtedness of the state, and for a sinking the contingent fund."

Senator Burton offered the following as a substitute for the amendment of Senator Brown:

Strike out "fifteen" and insert "thirty."

Senator Guy offered the following as a substitute for the pending resolution, amendments and substitute:

Resolved, by the Senate, that each Senator have the privilege of subscribing for ten daily papers, to be paid for out of the contingent fund.

On motion of Senator Lair, the resolution with amendment and substitute was laid on the table by the following vote:

YEAS.			
Blassingame,	Gooch,	Martin,	Shannon,
Buchanan,	Grace,	Motley,	Stewart,
Burnett,	Hobby,	Patton,	Storey,
Edwards,	Homan,	Ripetoe,	Tilson—18.
Ford,	Lair,		
NAYS.			
Brown,	Guy,	Ledbetter,	Street,
Burton,	Houston,	McCulloch,	Swain,
Davenport,	Lane,	Moore,	Terrell—13.
Duncan,			

The motion of Senator Street, "to reconsider the vote adopting the resolution reported from the committee on public printing," was lost by the following vote:

YEAS.			
Brown,	Gooch,	Motley,	Street,
Burton,	Ledbetter,	Storey,	Terrell --10.
Duncan,	McCulloch,		
NAYS.			
Blassingame,	Grace,	Lane,	Ripetoe,
Buchanan,	Guy,	Lair,	Shannon,
Burnett,	Hobby,	Martin,	Stewart,
Davenport,	Homan,	Moore,	Swain.
Edwards,	Houston,	Patton,	Tilson 21.
Ford,			

Senator Brown, chairman of the committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 13, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills, have examined and find correctly engrossed the following bills, viz :

Senate bill No. 6, entitled "An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district;" Senate bill No. 8, entitled "An act making an appropriation for mileage and per diem pay of members, and per diem pay of officers and employees of the first called session of the Sixteenth Legislature."

BROWN, *Chairman.*

Senator Swain introduced a bill entitled "An act making provision for the return to the comptroller's office before the meeting of each regular session of the Legislature, of all sheriffs', attorneys' or other valid claim against the state, for which warrants may not have been issued, so that correct estimates may be made of any deficiencies in the appropriations, and to prevent the issuance of O. K. certificates."

Read by caption and referred to committee on state affairs.

Senator Ripetoe offered the following resolution:

Resolved, That the superintendent of public buildings and grounds is hereby authorized and directed to purchase a United States flag, and hoist the same on the capitol building.

Resolved, That the sum of twenty-five dollars, or so much thereof as may be necessary, be and is hereby appropriated for that purpose, the same to be paid out of the contingent fund of the Senate.

Senator Ledbetter moved to refer the resolution to committee on state affairs.

Lost, and the resolution adopted.

Senator Storey introduced a bill entitled "An act making an appropriation to pay J. J. Tobin, assignee of J. W. Vandyck, for material furnished and work done in repairs on state public buildings."

Read by caption and referred to committee on finance.

Senator Duncan offered the following resolution:

Resolved, That senators shall have the privilege of having their speeches printed in the journals of the Senate at the same rate as the contract price for printing Senate Journal; *provided*, that the printer shall not charge a senator for the first column of any speech.

Adopted.

Senator Davenport introduced a bill entitled "An act providing for the sale of asylum, university and public free school lands of the State of Texas."

Read by caption and referred to committee on state affairs.

Senator Burnett introduced a bill entitled "An act to amend section 60 of an act entitled 'an act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein,' approved March 24, 1879."

Read by caption and referred to committee on penitentiaries.

Senator Swain offered the following resolution:

WHEREAS, The constitution of the State of Texas requires the Legislature to establish an efficient system of public free schools; and,

Whereas, The democratic party, in convention assembled, demand strict adherence to the spirit and letter of the constitution on this question; and,

Whereas, The only difference of opinion arises upon the financial condition of the state; therefore,

Be it resolved, That the finance committee be instructed to investigate carefully the condition of the state's finances, so that the Legislature may not appropriate more of the general revenue to the available school fund than will permit the state to meet the current expenses and outstanding liabilities as they become due.

Senator Burnett offered the following amendment:

Amend by adding to the second paragraph of the preamble after the word "democratic" the words "and republican and greenback parties."

Senator Patton offered the following amendment:

"For finance committee insert a special committee of four be appointed, two of whom are in favor of an appropriation of the one-fourth of the revenue for free schools and two opposed to so large an appropriation for said purpose."

Senator Brown offered the following amendment:

Amend by adding after the words "in convention assembled," the words "and all socialists and communists."

Senator Motley offered the following as a substitute for the pending amendments:

Instead of "democratic party" insert "all political parties,"

On motion of Senator Ledbetter, the pending resolution and amendments were postponed until Monday next at 10 o'clock A. M., and made the special order for that time, and from day to day until disposed of.

Senator Ledbetter introduced a bill to be entitled "An act to provide for the resumption of the state penitentiary, and to provide means to carry on the same."

Read by caption and referred to committee on penitentiaries.

Senator Edwards offered the following resolution:

Resolved, That the comptroller of public accounts furnish such information as he has in his possession in regard to the following matters:

1. Whether the appropriation of 1876 of sinking fund for year ending August 31, 1877, \$100,000, for year ending August 31, 1878, \$100,000, for year ending December 31, 1878, \$33,333 33, still is in force, and if so why has the same not been expended in purchasing the outstanding bonds of the state?

2. Does not the law require an amount equal to two per cent. of the outstanding bonds to be annually set aside as a sinking fund; and if so, why in estimates of liability in reports of your department omit this item?

3. What is, if any, the amount due the sinking fund prior to January 1, 1879, under the laws in force, if any, requiring it to be set aside?

Adopted.

Senator Street introduced a bill entitled "An act to provide for the relief of the supreme court and court of appeals from too great an accumulation of business."

Read by caption and referred to judiciary committee No. 1.

A message was received from the House announcing the passage by that body of Senate bill No. 8, entitled "An act making an appropriation for the mileage and per diem pay of members, and per diem pay of officers and employes of the first called session of the Sixteenth Legislature."

Senator Gooch presented the following invitation:

PALESTINE, TEXAS, June 12, 1879.

Hon. J. D. Sayers and members of the Texas Senate:

Palestine Lodge No. 31, A. F. & A. M., Palestine Chapter No. 10, R. A. M., Palestine Commandery, K. T. No. 3, respectfully invite your honorable body to be present at and witness the ceremonies of dedicating the new Masonic Temple, at Palestine, on Tuesday, June 24, by the Most Worshipful Grand Lodge of Texas.

Yours respectfully,

J. R. PALMER,

Chairman Committee Arrangements.

On motion of Senator Gooch, the invitation was read and referred to committee on state affairs.

Senator Homan moved to adjourn until 9 o'clock A. M. to-morrow.

Withdrawn.

Senator Hobby offered the following resolution:

Resolved, That it is the sense of the Senate that section 9 of article 3 of the constitution, in so far as it regulates the election of a president *pro tempore* of the Senate, does not apply to a special session convened by the governor, but that the president *pro tempore*, elected at the close of the session, continues in office by virtue of such election during said special session.

Adopted unanimously.

On motion of Senator Terrell, the Senate adjourned until to-morrow at 9 o'clock A. M.